



## **Your Rights and Choices for a Medical Forensic Exam**

### **What is a Medical Forensic Exam?**

A specially trained doctor or nurse will conduct a medical forensic exam when a person has been sexually assaulted or abused. A medical forensic exam is a head-to-toe exam looking for injuries and evidence that may be used in a police investigation and a prosecution. Sexual assault or abuse can include any unwanted touching or fondling under or over the clothing of certain parts of your body; sexual penetration or sexual contact; the transfer of semen onto parts of the body; and sexual acts involving minors.

A forensic examination may take anywhere from 2-6 hours, depending on the types of injuries and types of evidence to be collected. The exam will happen at a hospital or an approved health care facility. If available, the hospital or approved health care facility will contact a rape crisis counselor to come speak with you about the exam and your options. The counselor can also stay with and support you through the entire exam. You may also have a person of your choice stay with and support you through the entire exam.

Before the exam starts, discuss with the doctor or nurse any needs you may have, such as work or childcare concerns. The doctor or nurse will stop the exam at any time if it causes you mental or emotional distress.

#### **The purpose of the exam is to:**

- Check your physical health;
- Provide any needed medical treatment; and
- Collect evidence.

#### **What the exam includes:**

- Consent: The doctor or nurse will need your consent before starting the exam. They will also ask for your permission to do the different parts of the exam.
- Medical History: The doctor or nurse will ask you questions about what happened during the assault. These questions will help to guide the rest of the exam. The patient, a parent or guardian, or others can give these answers.
- Physical Exam: The doctor or nurse will examine your body from head to toe. They will check for any injuries and identify any possible sources of evidence. This may also involve a close exam of the private areas (genital and anal).
- Photography: The doctor or nurse will ask to take photographs or video recordings of your body where you may have an injury, pain, or a potential source of evidence.
- Evidence Collection: The doctor or nurse will use the Illinois State Police Sexual Assault Evidence Collection Kit to collect possible evidence from your body. Depending on the information given during the medical history, the doctor or nurse may collect your clothing, comb your head or pubic hair, swab your mouth, skin, genitalia or anus, and

scrape under your fingernails. The doctor or nurse will wear a hair net, facemask, gown, shoe covers and will change their gloves often during the exam.

- **Evidence Tracking System:** There is an evidence tracking system to keep you informed on the status of sexual assault evidence collected at the healthcare facility. Prior to leaving the facility, you will receive a K-number and 6-digit pin. This information can be used to view evidence status in the tracking system. Should you lose or misplace your K-number or 6-digit pin you can contact the law enforcement agency handling your case and they will provide you with the K-number and 6-digit pin.
- **Drug and Alcohol Screen:** The doctor or nurse will ask if you took drugs or drank alcohol or had any symptoms of drug or alcohol use such as nausea, vomiting, black outs, or memory loss. This is to screen for the possibility of a drug or alcohol facilitated sexual assault or abuse. To ensure proper medical care, you should be truthful about any drug you took or alcohol you drank or any symptoms you had. Urine or blood collected for a sexual assault exam will not be used against you for any offense related to the use of alcohol or drugs.
- **Medical Treatment:** The doctor or nurse will treat any medical concerns. They will also evaluate you for sexually transmitted diseases including HIV and give you any necessary medications. If appropriate, the doctor or nurse will evaluate you for risk of pregnancy and make available medications to prevent pregnancy.
- **Discharge and Follow-up:** The doctor or nurse will discuss with you recommended follow-up appointments and testing. You will also receive information regarding financial assistance.

### **Children Under the Age of 13**

A child will receive a head-to-toe exam similar to their regular checkup at the doctor's office. The doctor or nurse may look at the outside of the child's genital and anal areas to check for injuries and to collect evidence. Nothing will be inserted into a young child's vagina or anus. It is important to know that most children have normal exams, but this does not mean that a crime did not occur.

### **Consenting to a Medical Forensic Exam**

A person of any age can consent to or decline a medical forensic exam and evidence collection. A parent or guardian cannot override the patient's decision. If you consent to the exam, the doctor or nurse will still ask you if it is okay to proceed with each step of the exam. You can stop the exam at any time or skip any part of the exam. You are in control of what happens.

If the patient cannot provide consent due to age or mental status, a parent or guardian may provide consent. The doctor or nurse can also provide services under the Consent by Minors to Medical Procedures Act, the Health Care Surrogate Act, or other state and federal laws. If a parent or guardian consents to a medical forensic exam and evidence collection for a child or other person, the doctor or nurse will still seek the patient's permission to perform each part of the exam. An exam will not be forced upon a patient and a patient will never be physically held down or medicated in order for an exam to be completed.

If you consent to a medical forensic exam and evidence collection, you are not required to report the sexual assault or abuse to the police. However, the hospital must notify the police that a crime occurred. The hospital will never give the police your personal information without your permission. If the patient is under the age of 18, the hospital is also required to notify the Department of Children and Family Services (DCFS).

### **Evidence Collection**

While a physical exam is always important to ensure your health, the choice to have evidence collected is a personal decision. The chance of finding evidence, including blood, semen or saliva, depends on a number of things including the type of sexual assault or abuse, if you changed your clothes after the sexual assault or abuse, and the amount of time since the sexual assault or abuse occurred.

You may not feel ready to have evidence collected right away and that is your choice. You have a right to have an exam and to have evidence collected any time after the sexual assault or abuse, but as time passes, it is less likely that evidence can be found. It is also important to know that not all kits will contain evidence after collection is completed, but that does not mean that a crime did not occur.

### **Factors to Consider when Deciding Whether to Consent to Evidence Collection**

	<b>Evidence collection is encouraged when:</b>	<b>Evidence collection may still be performed when:</b>
<b>Prepubescent Children</b> A child who has not developed secondary sex characteristics such as growth of pubic or underarm hair, or has not had their first period.	The sexual abuse or assault occurred or could have occurred in the past 96 hours.	The sexual abuse or assault occurred more than 96 hours ago but within the past 7 days and the patient, parent or legal guardian would like evidence collected. Each case will be evaluated based on the history provided.
<b>Adolescents and Adults</b> An individual who has developed secondary sex characteristics, had their first period or is 18 years of age or older.	The sexual abuse or assault occurred in the past 7 days.	The sexual abuse or assault occurred more than 7 days ago. Each case will be evaluated based on the history provided by the patient or others.

### **Benefits and Risks of Evidence Collection**

- **It won't cost you.** You should not be personally charged for the exam.
- **You can have time to decide if you want to report.** The decision to report the crime is entirely yours. It may take some time to decide what to do. Having a medical forensic exam ensures that any forensic evidence will be safely preserved if you decide later to report. You have up to 10 years after an assault or until your 28<sup>th</sup> birthday, whichever is longer, to report the crime and have the evidence tested.
- **It increases the likelihood of prosecution.** The importance of certain types of evidence in sexual assault and abuse cases cannot be overstated. It can affect the outcome of a case and can also prevent future crimes from occurring.
- **Your health matters.** Sexual assault can affect your physical health. You may have injuries and trauma related to the assault or abuse that is not immediately visible. During an exam, you may be able to access treatment for these injuries, receive preventative treatment for sexually transmitted diseases, and obtain emergency contraception to prevent pregnancy.
- Collecting evidence and the exam can take a long time. You may find it difficult or unpleasant to be involved in such a long exam.